



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 17, 1992

Mr. Jeff Hankins
Legal Assistant, Program Division
Legal Services 110-1C
P. O. Box 149104
Austin, Texas 78714-9104

OR92-610

Dear Mr. Hankins:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17377.

The Texas Department of Insurance (the "department") has received a request for "copies of everything in the file regarding the investigation" of United Olympic Life Insurance Company. You advise that the department has released to the requestor some of the requested information. You have forwarded to us for review, however, a copy of a market conduct examination report of the company prepared by the department covering the period starting March 1, 1989, and ending February 28, 1990. You explain that this report is not made public by 28 T.A.C. § 7.83(f)¹ and that the department consequently may withhold the report pursuant to section 3(a)(12) of the Open Records Act.

Section 3(a)(12) excepts from required public disclosure

information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, and/or securities, as that term is defined in the Texas Securities Act. [Footnote omitted.]

¹28 T.A.C. § 7.83(f)(2) makes public all completed examination reports with examination dates as of December 31, 1990, or later. See also 28 T.A.C. § 7.83(b), (f)(1) (making public adopted reports with examination dates as of June 30, 1992 or later).

In Open Records Decision No. 158 (1977) this office at 5-6 held that life insurance companies are financial institutions for purposes of section 3(a)(12). The report at issue here was prepared in accordance with the department's authority to examine a company's compliance with state laws affecting the conduct of its business. *See* Ins. Code art. 1.15, § 1. Accordingly, we agree that section 3(a)(12) protects the report from required public disclosure.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-610.

Yours very truly,



Celeste A. Baker
Assistant Attorney General
Opinion Committee

CAB/lmm

Ref.: ID# 17377
ID# 17444
ID# 17524

Enclosure: Submitted documents

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